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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

OLSEN, KAJ K

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,242

Applicant(s)

HE, TING

Examiner

Kaj K. Olsen

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,9,11-15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2,6-8,10 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-5, 11-15, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In claim 3, "said rotators" lacks antecedent basis as there are no rotators in claim 1. It would appear that claim 3 should depend from claim 2 (which does specify rotators). For the purpose of examination, the examiner will interpret claim 3 as if it depended from claim 2, but clarification and correction is requested.

4. In claim 11, "said plurality of motors" lacks antecedent basis as there are no motors in claim 9. It would appear that claim 11 should depend from claim 10 (which does specify a plurality of motors). For the purpose of examination, the examiner will interpret claim 11 as if it depended from claim 10, but clarification and correction is requested.

5. Claims 17 and 18 are drawn to a method, but the claims they depend from a claim that is not a method claim (claim 15). The examiner will presume that these claims should depend from claim 16, but clarification and correction is requested.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/25774 (hereafter “WO ‘774”).

8. With respect to claim 1, WO ‘774 discloses an electrochemical cell assembly comprising a plurality of testing cells 25 where each testing cell comprises a working and counter electrode (27 and 29). WO ‘774 further discloses chamber containing a common bias electrode 26 that is fluidly connected to each of the testing cells by a plurality of fluid connections. See fig. 3 and 4, p. 5, ll. 24-34; p. 8, ll. 5-8 and p. 11, ll. 12-16. This common bias electrode would read on the defined “reference electrode” because reference electrodes are by definition bias electrodes (i.e. they establish a reference bias for the electrochemical system).

9. With respect to claim 9, see p. 11, ll. 12-16.

10. Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by Parce et al (USP 4,911,794).

11. With respect to claim 1, Parce discloses an electrochemical cell assembly comprising at least two testing cells each having a working electrode 326 and a counter (i.e. controlling) electrode 320. Parce further discloses a reference cell containing a reference electrode 300 with fluid connections 292 for connecting each of the testing cells to the reference electrode. See fig. 12 and col. 21, ll. 34-64.

12. With respect to claim 9, see col. 21, ll. 42 and 43.

Allowable Subject Matter

13. Claims 2, 6-8, 10 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 3-5, 11-15, 17 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. Claims 19-21 are allowed.

16. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 2-8 and 10-15, the prior art does not disclose nor render obvious all the limitations of claims 1 or 9 and further specifying that the working electrodes are either rotating disk or ring-disk electrodes with a plurality of rotators for the working electrodes as set forth in claims 2 and 10. The examiner reminds the applicant that claims 3 and 11 were interpreted as depending from claims 2 and 10 respectively (see 112 rejections above) and are considered to contain allowable subject matter based on their perceived dependence from claims 2 and 10.

With respect to claims 16-18, the prior art does not disclose nor render obvious all the limitations of claim 1 and further comprising rotating each of the electrodes at a predetermined speed. With respect to claims 19-21, the prior art does not disclose nor render obvious all the cumulative limitations of claim 19 with particular attention to the presence of a plurality of rotators for the working electrodes in conjunction with the specified testing cells, reference cell and fluid connections.

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Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sonnenberg discloses a conventional rotating electrode test cell that does not teach the set forth test cell/reference cell combination of the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaj Olsen whose telephone number is (571) 272-1344. The examiner can normally be reached on Monday through Thursday from 5:30 A.M. to 3:00 P.M. and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen, can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AU 1753
September 19, 2005


KAJ K. OLSEN
PRIMARY EXAMINER